

“(6)(A) The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, may prescribe regulations under which persons required to file designations, statements, and reports under this Act—

“(i) are required to maintain and file them for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

“(ii) may maintain and file them in that manner if not required to do so under regulations prescribed under clause (i).

“(B) The Commission, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, shall prescribe regulations which allow persons to file designations, statements, and reports required by this Act through the use of facsimile machines.

“(C) In prescribing regulations under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulations. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

“(D) The Secretary of the Senate and the Clerk of the House of Representatives shall ensure that any computer or other system that they may develop and maintain to receive designations, statements, and reports in the forms required or permitted under this paragraph is compatible with any such system that the Commission may develop and maintain.”

SEC. 304. AUDITS.

(a) RANDOM AUDITS.—Section 311(b) of FECA (2 U.S.C. 438(b)) is amended—

(1) by inserting “(1)” before “The Commission”; and

(2) by adding at the end the following new paragraph:

“(2) Notwithstanding paragraph (1), the Commission may after all elections are completed conduct random audits and investigations to ensure voluntary compliance with this Act. The subjects of such audits and investigations shall be selected on the basis of criteria established by vote of at least 4 members of the Commission to ensure impartiality in the selection process. This paragraph does not apply to an authorized committee of a candidate for President or Vice President subject to audit under title VI or to an authorized committee of an eligible Senate candidate or an eligible House candidate subject to audit under section 522(a).”

(b) EXTENSION OF PERIOD DURING WHICH CAMPAIGN AUDITS MAY BE BEGUN.—Section 311(b) of FECA (2 U.S.C. 438(b)) is amended by striking “6 months” and inserting “12 months”.

SEC. 305. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

(a) IN GENERAL.—Section 3210(a)(6)(A) of title 39, United States Code, is amended to read as follows:

“(A) A Member of Congress shall not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that Office, unless the Member has made a public announcement that the Member will not be a candidate for reelection to that year or for election to any other Federal office.”

(b) APPLICATION OF SAVINGS.—It is the intent of Congress that any savings realized by

virtue of the amendment made by subsection (a) shall be designated to pay for the benefits of section 104 (relating to reduced postage rates for eligible Senate candidates) provided under section 104.

SEC. 306. AUTHORITY TO SEEK INJUNCTION.

Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended—

(1) by adding at the end the following new paragraph:

“(13)(A) If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

“(i) there is a substantial likelihood that a violation of this Act is occurring or is about to occur;

“(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

“(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

“(iv) the public interest would be best served by the issuance of an injunction,

the Commission may initiate a civil action for a temporary restraining order or a temporary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

“(B) An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found, or in which the violation is occurring, has occurred, or is about to occur.”

(2) in paragraph (7), by striking “(5) or (6)” and inserting “(5), (6), or (13)”; and

(3) in paragraph (11), by striking “(6)” and inserting “(6) or (13)”.

SEC. 307. REPORTING REQUIREMENTS FOR CONTRIBUTIONS OF \$50 OR MORE.

Section 304(b)(2)(A) is amended by inserting “, including the name and address of each person who makes contributions aggregating at least \$50 but not more than \$200 during the calendar year” after “political committees”.

TITLE IV—CONSTITUTIONALITY AND EFFECTIVE DATE

SEC. 401. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 402. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory order or final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

SEC. 403. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on January 1, 1997.

SEC. 404. REGULATIONS.

The Federal Election Commission shall prescribe any regulations required to carry out this Act not later than 9 months after the effective date of this Act.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Wednesday, June 26, 1996, at 9:30 a.m. to hold a hearing on FEC reauthorization, oversight, and campaign finance reform.

For further information concerning this hearing, please contact Bruce Kasold of the Rules Committee staff at 224-3448.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Thursday, June 20, 1996, session of the Senate for the purpose of conducting a hearing on broadcast spectrum reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. D'AMATO. Mr. President, I ask unanimous consent that the full Committee on Environmental and Public Works be granted permission to continue consideration of pending business in the President's Room, S-216, the Capitol, Thursday, June 20, at approximately 2:30 p.m., immediately following the vote on the confirmation of the nomination of Alice Rivlin to be a member of the Federal Reserve Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 20, 1996, at 10 a.m. and 3 p.m. to hold hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, June 20, 1996, at 10 a.m. to hold a hearing on White House access to FBI background summaries.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS AND THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, June 20, 1996, at 10 a.m. to conduct a joint hearing with the Committee on Banking, Housing, and Urban Affairs on title VII, American Indian Housing Assistance, of H.R. 2406, the U.S. Housing Act of 1996. The hearing will be held in room 538 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONGRESSIONAL BUDGET OFFICE ESTIMATE OF COSTS—S. 1605

• Mr. MURKOWSKI. Mr. President: in compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources has obtained a letter from the Congressional Budget Office containing an estimate of the costs of S. 1605, the Energy Policy and Conservation Amendment Act, as reported from the committee. In addition, pursuant to Public Law 104-4, the letter contains the opinion of the Congressional Budget Office regarding whether S. 1605 contains intergovernmental mandates as defined in that act. I respectfully request that the opinion of the Congressional Budget Office be printed in the CONGRESSIONAL RECORD in its entirety.

The opinion follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC., May 9, 1996.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural
Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1605, the Energy Policy and Conservation Act Amendment Act.

Enactment of S. 1605 would affect direct spending. Therefore, pay-as-you-go procedures would apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1605.
2. Bill title: Energy Policy and Conservation Act Amendment Act.
3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources on April 24, 1996.
4. Bill purpose: S. 1605 would reauthorize certain activities and programs at the Department of Energy (DOE) through 2001. It would revise and extend the statutory guidelines and requirements of the Energy Policy and Conservation Act (EPCA), which outlines federal policies regarding energy emergencies, energy exports, and certain energy conservation initiatives. These amendments would authorize DOE to lease underutilized capacity of the Strategic Petroleum Reserve (SPR) to foreign governments to the extent provided in appropriation acts. Other provisions would remove certain restrictions on joint bidding by major oil companies for leases on the Outer Continental Shelf (OCS), modify various reporting and planning requirements, and enable the state of Hawaii to purchase oil from the SPR under certain conditions.

S. 1605 would authorize the appropriation of such sums as may be necessary for the SPR for 1996 through 2001. It would authorize specific amounts for 1996 for the State Energy Conservation Program (SECP), the Institutional Conservation Program (ICP), the Alternative Fuels Truck Commercial Application Program, and programs under Part C of EPCA (including activities supporting the International Energy Agency, the Committee on Renewable Energy Commerce and

Trade, and the Committee on Energy Efficiency Commerce and Trade). The bill also would authorize the appropriation of such sums as may be necessary to implement the conservation grant and alternative fuels programs for 1997 through 2001 and the Part C programs for 1997 through 1999.

5. Estimated cost to the Federal Government: The following table summarizes the estimated budgetary effects of S. 1605. Assuming appropriation of the authorized amounts for 1997 through 2001, we estimate that enacting this bill would result in additional discretionary spending totaling between \$1.4 billion and \$1.5 billion over that period. CBO anticipates that enacting this bill would affect direct spending by reducing offsetting receipts from bonus bids for OCS leases, but the impact is likely to be small for each fiscal year. On average, we estimate that bonus bids would fall by about \$2 million a year over the 1997-2002 period.

(By fiscal years, in millions of dollars)

	1996	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATIONS							
Spending under current law:							
Budget authority ¹	325	.....	.....	.....	.....	.....	.....
Estimated outlays	279	173	57	9	.....	.....	.....
WITHOUT ADJUSTMENT FOR INFLATION							
Proposed Changes:							
Estimated authorization level	31	291	291	291	286	286	.....
Estimated outlays	.....	139	255	287	289	287	148
Spending Under S. 1605:							
Estimated authorization level	356	291	291	291	286	286	.....
Estimated outlays	279	313	311	296	289	287	148
WITH ADJUSTMENT FOR INFLATION							
Proposed Changes:							
Estimated authorization level	31	291	300	309	313	324	.....
Estimated outlays	.....	139	259	300	310	318	167
Spending Under S. 1605:							
Estimated authorization level	356	291	300	309	313	324	.....
Estimated outlays	279	313	316	308	310	318	167
CHANGES IN DIRECT SPENDING							
Estimated budget authority	.....	3	2	2	2	1	1
Estimated outlays	.....	3	2	2	2	1	1

¹ The 1996 level is the amount actually appropriated.

The costs of this bill fall within budget functions 270 and 950.

6. Basis of estimate: *Spending Subject to Appropriations*. The estimate of outlays for 1996 is based on amounts actually appropriated for the fiscal year. In the case of the SPR program, we assume that recently enacted appropriations provide the necessary amounts for that program for 1996. The authorizations specified in the bill for conservation grants and the Part C activities exceed the enacted levels for those programs by a total of \$31 million. We estimate that the additional authorization would not result in outlays, because we assume that a supplemental appropriation would not be enacted before the end of this fiscal year.

For future years for which authorization levels are not specified, we generally projected spending based on the amounts authorized by S. 1605 for 1996. For the SPR facilities and operations account, we have based our 1997-2001 projections on DOE's current estimate of the program's requirements for 1997 because the 1996 level is inflated by the one-time cost of decommissioning one of the SPR sites. Starting in 1997, we project spending for the SPR at about \$220 million a year.

The table shows two alternative sets of authorization levels for fiscal years 1997 through 2001: one without adjustment for anticipated inflation, and a second that includes an adjustment for inflation. For the purposes of this estimate, we assume that future appropriations will be provided before the start of each fiscal year and that outlays will follow historical trends for the respective programs.

For comparability to estimates for 1997 and beyond, the table includes the \$287 mil-

lion gross appropriation for the SPR facilities account for 1996. This SPR account received no new budget authority for 1996 because the entire appropriation was offset by collections of \$100 million from a sale of oil from one of the SPR site and by the transfer of \$187 million in unobligated balances from the SPR petroleum acquisition account.

Under this bill, DOE could generate income by leasing excess SPR capacity to foreign governments if such leasing is approved in subsequent appropriation acts. If, for example, appropriations actions were to trigger this authorization by the beginning of fiscal year 1998, we estimate that the annual income from such leases would total \$1 million in fiscal year 1999 and rise gradually to \$11 million by 2002. This provision of S. 1605, however, would have no direct effect on offsetting receipts, because the leasing activity would be contingent upon future appropriations action.

Direct Spending. Under current law, certain major oil companies are restricted from bidding jointly for new leases on the Outer Continental Shelf. CBO expects that allowing such companies to begin bidding jointly on OCS leases would likely reduce the number of bids submitted for OCS lease sales. On average, we expect that this would lower offsetting receipts from bonuses by about \$2 million per year over the 1997-2002 period. This estimate is based on information from the Minerals Management Service regarding the most recent OCS lease sale. The effect of the bill's provision on industry competition in future sales could vary, but we expect that the likely impact on bonus bids would be small in any year because relatively few winning bids in each sale are the result of direct competition between companies that are currently barred from submitting joint bids.

7. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that the OCS provisions in S. 1605 would result in a reduction in offsetting receipts from bonus bids, as shown in the following table.

(By fiscal years, in millions of dollars)

	1996	1997	1998
Change in outlays	0	3	2
Change in receipts	(1)	(1)	(1)

¹ Not applicable.

8. Estimated impact on State, local, and tribal governments: S. 1605 contains no intergovernmental mandates as defined in Public Law 104-4 and would impose no direct costs on state, local, or tribal governments. The bill would extend the authorization for grants to states and localities for energy conservation programs. It would also benefit the state of Hawaii by guaranteeing that it would be allowed to purchase oil from the SPR during a drawdown of the reserve.

S. 1605 would authorize appropriations totaling \$56 million for fiscal year 1996 and such sums as may be necessary for fiscal years 1997-2001 for the SECP and ICP programs. In contrast, \$26 million was appropriated for 1996 for a program that would consolidate these two programs and provide grants to states. For the purposes of this estimate, we assume that the states would not receive the additional \$30 million authorized by the bill, because it is unlikely that a supplemental appropriation would be enacted before the end of the fiscal year.

Under current law, states must match these grant funds at different rates. Based on